

JAMES FENDER,)
)
Plaintiff)
)
v.) CASE No. 7:06-CV-116 (HL)
)
MICHAEL J. ASTRUE,)
)
Commissioner of Social Security,)
)
Defendant)

Pursuant to the power of this Court to enter a judgment affirming, modifying or reversing the Commissioner's decision with remand in Social Security actions under sentence four of 42 U.S.C. Sec. 405(g), and in light of the Agency's request, and hearing no objection from Plaintiff, to remand this action, this case is hereby remanded. On remand, an Administrative Law Judge (ALJ) will consider the VA Medical Center records dated 9/21/04 through 11/18/04 (records that were properly submitted prior to the hearing, but that did not make it into the official transcript and do not appear to have been considered by the ALJ). After considering the VAMC records from September 2004 through November 2004, the ALJ will discuss the evidence in relation to his findings for severity of impairments, credibility of testimony, and residual functional capacity. After re-assessing Claimant's limitations, the Administrative Law Judge should obtain supplemental vocational expert evidence if necessary. The ALJ will provide the claimant with an opportunity for a supplemental hearing, further develop the record and issue a new decision.

Therefore, this Court hereby reverses the Commissioner's decision under sentence four of 42 U.S.C. Sec. 405(g) with a remand of the cause to the Commissioner for further proceedings. See Shalala v. Schaefer, 509 U.S. 292 (1993); Melkonyan v. Sullivan, 501 U.S. 89 (1991). The

clerk of the court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED this 1st day of May, 2007.

S/ Hugh Lawson_____
HUGH LAWSON
UNITED STATES DISTRICT JUDGE